

# FINDING LEGISLATION BY SUBJECT

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## USING SUBJECT INDEXES TO FIND LEGISLATION

If you have a particular topic in mind and you want to find legislation related to that topic, you can use a SUBJECT INDEX.

A subject index is essentially an alphabetical list of subject headings, e.g.

ACCIDENTS  
ACCOUNTANTS  
ACID  
ACQUISITION OF LAND

Each subject heading will have one or more subheadings, to help you narrow down your topic, e.g.

ACCIDENTS  
Coal mines, in  
Mines, in  
Motor vehicles – safety and accident measures  
Work places – notification

For each of these subheadings, the relevant legislation will be provided, e.g.

ACCIDENTS  
Coal mines, in *Coal Mine Health and Safety Act 2002*  
Mines, in *Mines Inspection Act 1901, s43*

Some subject headings will have *see also* references. This means that the subject index is suggesting another related subject heading that you could check, e.g.

ACCIDENTS  
*See also* CIVIL LIABILITY

## EXAMPLES

NOTE: The examples used in this guide use the following source: B. M. Wicks (compiler), *Subject Index to the Acts and Regulations of New South Wales*.

SAMPLE TOPIC 1. You wish to put a paling fence between your property and that of your neighbour. Your neighbour does not wish to contribute to the cost of its construction. Is there a NSW legislation that requires him to contribute?

This question is clearly about fences. If you check Wicks' *Subject Index to the Acts and Regulations of New South Wales*, you will find the following subject heading (and associated subheadings):

|   |   |
|---|---|
| FENCES  |   |
| Boundary of dividing – adjoining owners responsibilities----- | Dividing Fences Act 1991                |
| Breaking or stealing – an offence-----                        | Crimes Act 1900, s 9                    |
| Council may enforce fencing-----                              | Local Government Act 1993, s 124        |
| Gates – offence to leave open-----                            | Inclosed Lands Protection Act 1901, s 5 |
| Rabbit-proof -----  | Rural Lands Protection Act 1998         |
| Swimming pools-----   | Swimming Pools Act 1992                 |

Your question is about the responsibilities of adjoining owners, so you are referred to the *Dividing Fences Act 1991*.

The trickiest part of using a subject index can be choosing a subject heading. You may need to check a few different subject headings until you find the right one for your particular topic.

For example, consider this topic:

SAMPLE TOPIC 2: Your client is to appear as a witness in an accident case. He is concerned that he may have to take an oath which will include reference to a deity. This he cannot do. Examine the legislation of New South Wales and locate the provision (or provisions) that will allow him to affirm rather than take an oath.

There are a number of concepts in this topic that you could possibly look up in a subject index, e.g.

witness – accident – oath – deity – affirm

The Wicks's *Subject Index to the Acts and Regulations of New South Wales* does include subject headings for WITNESSES and ACCIDENTS, but if you check them you would not find the topic you were after; there is no subject heading for deities or gods.

There are two subject headings related to OATH(S), which read as follows:

|  |                                      |
|--|--------------------------------------|
| OATH OF ALLEGIANCE                               |                                      |
| Generally – requirements, form, etc-----         | <i>Oaths Act 1900</i>                |
| OATHS AND AFFIRMATIONS                           |                                      |
| <i>See also</i> AFFIDAVITS; OATH OF ALLEGIANCE   |                                      |
| Evidence requirements-----                       | <i>Evidence Act 1995, Pt 2.1</i>     |
| Extended meaning of 'oath'-----                  | <i>Interpretation Act 1987, s 21</i> |
| Text of-----                                     | <i>Evidence Act 1995, Sch 1</i>      |
| Witnesses, authority to administer oaths to----- | <i>Interpretation Act 1987, s 79</i> |

If you carefully read the sample topic, you will realise that the best subject heading and subheading combination is the first one. It relates to general issues around oaths of allegiance, such a requirements for making oaths and the form oaths may take. In this instance, you are referred to the *Oaths Act 1900*.

Note that if you had searched for the term affirmation, you would have found the following cross reference:

|  |
|--|
| AFFIRMATIONS<br><i>See</i> OATHS AND AFFIRMATIONS. |
|--|

## LEGAL ENCYCLOPEDIAS

Another way of finding legislation relating to a particular topic is to use a legal encyclopedia, e.g. *Halsbury's Laws of Australia* (LexisNexis) or *The Laws of Australia* (Lawbook Co.).

## SUBJECT INDEXES TO LEGISLATION

### COMMONWEALTH

#### PRINT RESOURCES

Wicks, B. M. (compiler), *Subject Index to Commonwealth Legislation*.  
Sydney : Law Book Co.

CITY CAMPUS: 344.94023/2

*Australian Legal Monthly Digest*  
Law Book Co.

For very recent legislation, use the Legislative Index

**CITY CAMPUS:** LAW REFERENCE 344.9409/6

*Australian Current Law : Legislation*  
LexisNexis

For very recent legislation, use the Legislative Index

**CITY CAMPUS:** LAW REFERENCE 344.9409/7

#### ELECTRONIC RESOURCES

*Lawlex*

<http://www.lawlex.com.au/>

Select the **Search Legislation** link on the top menu bar.

## NEW SOUTH WALES

### PRINT RESOURCES

*New South Wales Statutes Annotations*  
(LexisNexis)

(Use the Index)

CITY CAMPUS: 344.944021/5

This is supplemented by the subject index to legislation in *Australian Current Law: Legislation* (LexisNexis)

Wicks, B. M. (compiler), *Subject Index to the Acts and Regulations of New South Wales*

LOCATED IN: *New South Wales statutes : annotations and references*  
(Law Book Co.)

CITY CAMPUS: 344.944021/3

Latest issue held in CLOSED RESERVE

This is supplemented by the subject index to legislation in the *Australian Legal Monthly Digest* (Law Book Co.)

*Australian Legal Monthly Digest*  
Law Book Co.

For very recent legislation, use the Legislative Index

**CITY CAMPUS:** LAW REFERENCE 344.9409/6

*Australian Current Law : Legislation*  
LexisNexis

For very recent legislation, use the Legislative Index

**CITY CAMPUS:** LAW REFERENCE 344.9409/7

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